



September 1, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05AN0105

Robin Jefferson

Clover Hill Magisterial District
3305 Broad Oaks Road

REQUEST: A ten (10) foot Variance to the ten (10) foot rear yard setback requirement for an existing detached accessory building in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

This property is known as 3305 Broad Oaks Road. Tax ID 724-686-4614 (Sheet 9).

Existing Zoning:

R-7

Size:

.165 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential and open space
South - R-7; Residential
East - R-7; Open space
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Upper Swift Creek Plan)

Residential
(2.0 units per acre or less)

DISCUSSION

The applicant has constructed a detached accessory building on the rear property line (see attached site plan). The Zoning Ordinance requires a ten (10) foot setback. Therefore, the applicant requests a ten (10) foot Variance.

The applicant provides the following justification in support of this request:

The existing portable ten (10) by sixteen (16) foot shed has been up for two (2) years. The new shed was built on the old shed's wooden flooring. It is sitting where the old shed was. Because I have such a small back yard, I would like permission to leave it where it is, instead of moving it up to my bedroom window. It would be difficult to move plus it would be too close to my house and would not be in character with my house. I may also be in the process of doing an addition – Florida Room twelve (12) by twelve (12) foot and a deck twelve (12) by twelve (12) foot.

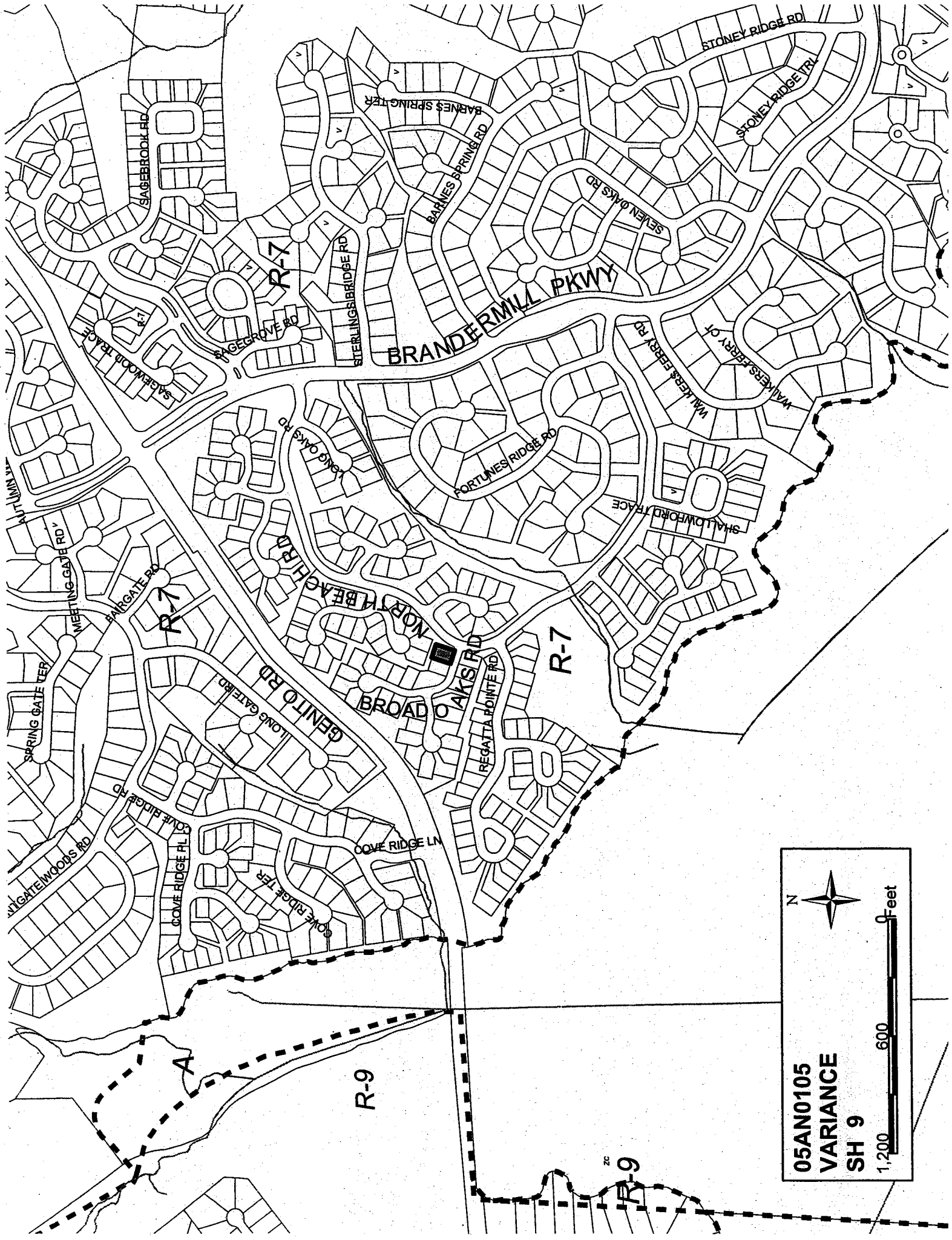
Staff has reviewed the attached site plan and the applicant's proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. In addition, it is staff's opinion that an alternative exists to the request. Staff believes the existing detached accessory building could be removed or relocated on the property where it would meet setbacks and eliminate the need for this request.

Because an alternative exists and the applicant has not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals approve this request, it should be applicable to this existing detached accessory building only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

This Variance shall be for the existing detached accessory building as depicted on the plat attached to staff's report.



**05AN0105
VARIANCE
SH 9**

1,200 600 Feet

N

